

3/23/15 2:25 P.M.  
Chapter No. 412  
15/HR26/R1877SG  
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## ***HOUSE BILL NO. 879***

Originated in House  Clerk

HOUSE BILL NO. 879

AN ACT TO AMEND SECTION 49-15-27, MISSISSIPPI CODE OF 1972, TO REVISE THE AUTHORITY OF THE MISSISSIPPI COMMISSION ON MARINE RESOURCES TO LEASE BOTTOMS FOR OYSTER CULTIVATION; TO INCREASE FROM 100 TO 500 ACRES, THE MAXIMUM ACREAGE OF BOTTOMS ALLOWED TO BE LEASED BY ANY INDIVIDUAL, CORPORATION, PARTNERSHIP OR ASSOCIATION; TO INCREASE LEASE TERMS FROM ONE YEAR TO FIVE YEARS AND PROVIDE FOR ADDITIONAL FIVE-YEAR RENEWAL LEASES; TO REMOVE THE TOTAL LIMITATION OF NUMBER OF YEARS FOR RENEWAL; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 49-15-27, Mississippi Code of 1972, is amended as follows:

49-15-27. The commission is hereby granted full and complete authority to lease the bottoms within its jurisdiction upon the following terms and conditions:

(1) All areas within the commission's jurisdiction, not designated tonging reefs by this chapter, or hereinafter designated tonging reefs by the commission; all areas not designated natural reefs by the commission, and all areas not within the boundaries of riparian property owners may be leased by the commission.

(2) All individual lessees shall be residents of the State of Mississippi, or if a firm or corporation, such firm or corporation shall be organized under the laws of the State of Mississippi.

(3) No individual, corporation, partnership or association may lease less than five (5) acres nor more than \* \* \* five hundred (500) acres; \* \* \* however, \* \* \* in the case of an individual there shall not be counted towards such limitation any lands leased by a corporation, partnership or association in which such individual owns ten percent (10%) or less interest and, in the case of a corporation, partnership or association, there shall not be counted toward such limitation any lands leased by an individual stockholder, partner or associate thereof who owns ten percent (10%) or less interest in such corporation, partnership or association.

(4) Individuals, firms or corporations desiring to lease bottoms shall make application to the commission in writing, describing the area to be leased \* \* \*.

(5) The commission shall consider \* \* \* bottom leasing applications in the order in which each is filed and may award, within sixty (60) days, a lease to the area described in the application upon payment of the rent in advance.

(6) Such leases shall be for a term of \* \* \* five (5) years, with the right of lessee to renew the lease \* \* \* for an additional \* \* \* five (5) years, and \* \* \* continue to renew at

five-year intervals, at the same ground rental rate so long as lessee actively cultivates and gathers oysters, and complies with the provisions of this chapter \* \* \*. No lease may be transferred without approval by the commission of the transfer.

(7) The commission shall fix a ground rental at not less than Five Dollars (\$5.00) per acre.

(8) The commission shall keep an accurate chart of the areas within its jurisdiction and shall mark on such chart those areas which are under lease. All leases shall be marked by appropriate poles, stakes or buoys of such material as will not injure watercraft, at the expense of the leaseholder. The commission shall keep an accurate book, designated "Mississippi Oyster Farms" which shall contain copies of all leases. If any lease be cancelled or expire, such fact shall be noted on the face of such lease. Lessees shall be "oyster farmers" for the purposes of any grants, aid, subsidies or other assistance from the federal government or other governmental or private agencies.

(9) All funds derived from leasing shall be paid into the Seafood Fund under Section 49-15-17, for use by the commission to further oyster production in this state, which includes plantings of oysters and cultch materials.

(10) All leases made by the commission under the authority of this section shall be subject to the paramount right of the state and any of its political subdivisions authorized by law, to promote and develop ports, harbors, channels, industrial or

recreational projects, and all such leases shall contain a provision that in the event such authorized public body shall require the area so leased or any part thereof for such public purposes, that the lease shall be terminated on reasonable notice fixed by the commission in such lease. On the termination of any lease, the lessees shall have the right to remove any oysters within the leased area within such time as may be fixed by the commission and in accordance with such reasonable rules and regulations as the commission may adopt.

Any person convicted of taking oysters from leased land or from waters that are not of a safe sanitary quality without a permit as provided in Section 49-15-37 shall, on the first offense, forfeit all equipment used, exclusive of any boat or boats; and be fined not to exceed Two Thousand Dollars (\$2,000.00) or sentenced not to exceed one (1) year in the county jail, or both. Subsequent convictions shall be punishable by forfeiture of all equipment, including any boat or boats; and a fine not to exceed Five Thousand Dollars (\$5,000.00) or not to exceed two (2) years in prison, or both such fine and imprisonment.


\* \* \*

The commission is enjoined to cooperate with the Jackson County Port Authority, the Harrison County Development Commission, the municipal port commission and other port and harbor agencies, so that oyster beds shall not be planted in close proximity to navigable channels. The commission or lessee shall have no right

of action as against any such public body for damages accruing to any natural reef or leased reef by any necessary improvement of such channel in the interest of shipping, commerce, navigation or other purpose authorized by law.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE HOUSE OF REPRESENTATIVES  
February 5, 2015

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 6, 2015

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

3/23/15  
7:25pm